



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 1602

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1602 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Public Service Accountability Act.

6 Section 5. Definitions. For purposes of this Act:

7 "State agency" or "agency" means an executive office,  
8 department, division, board, commission, or other office or  
9 officer in the executive branch of State government.

10 "Services" means, with respect to a third-party contract,  
11 all aspects of the provision of services provided by a private  
12 contractor pursuant to a third-party contract, or any services  
13 provided by a subcontractor of a private contractor.

14 "Person" means an individual or a non-governmental  
15 institution or entity.

16 "Third-party contract" means an agreement or combination

1 or series of agreements by which a private contractor agrees  
2 with a State agency to provide services valued at \$50,000 or  
3 more that are substantially similar to and in lieu of services  
4 that have been provided by public employees of a State agency.

5 "Private contractor" means any person that submits a bid to  
6 enter into or who enters into a third-party contract as that  
7 term is defined in this Section.

8 "Public employee" means an employee of any State agency.

9 Section 10. Third-party contracts; requirements.

10 (a) A State agency may enter into a third-party contract  
11 with a private contractor for services currently performed by  
12 public employees upon 90 days written notice to the affected  
13 public employees and any collective bargaining agent they may  
14 have; provided that:

15 (1) a third-party contract must not be entered into and  
16 become effective during the term of a collective bargaining  
17 agreement, affecting any public employees who currently  
18 perform the services;

19 (2) a third-party contract may take effect only upon  
20 the expiration of an existing collective bargaining  
21 agreement applicable to the affected public employees;

22 (3) any private contractor that submits a bid to  
23 perform the services shall provide the following:

24 (A) evidence of liability insurance of adequate  
25 scope and amount;

1           (B) a benefits package for the private  
2 contractor's employees who will perform the services  
3 comparable to the benefits package provided to public  
4 employees who perform those services;

5           (C) a list of the number of employees who will  
6 provide the services, the job classifications of those  
7 employees, and the wages the private contractor will  
8 pay those employees;

9           (D) a minimum 3-year cost projection, using  
10 generally accepted accounting principles and which the  
11 private contractor is prohibited from increasing if  
12 the bid is accepted by the State agency, for each and  
13 every expenditure category and account for performing  
14 the services;

15           (E) composite information about the criminal and  
16 disciplinary records, including alcohol or other  
17 substance abuse, Department of Children and Family  
18 Services complaints and investigations, traffic  
19 violations, and license revocations or any other  
20 licensure problems, of any employees who may perform  
21 the services, provided that the individual names and  
22 other identifying information of employees need not be  
23 provided with the submission of the bid, but must be  
24 made available upon request of the State agency; and

25           (F) an affidavit, notarized by the president or  
26 chief executive officer of the private contractor,

1           that each of its employees has completed a criminal  
2           background check within 3 months prior to submission of  
3           the bid, provided that the results of those background  
4           checks need not be provided with the submission of the  
5           bid, but must be made available upon request of the  
6           State agency.

7           (4) a third-party contract must not be entered into  
8           unless the State agency provides a cost comparison, using  
9           generally accepted accounting principles, of each and  
10          every expenditure category and account that the State  
11          agency projects it would incur over the term of the  
12          third-party contract if it continued to perform the  
13          services using its own public employees with each and every  
14          expenditure category and account that is projected a  
15          private contractor would incur if a private contractor  
16          performed the services;

17          (5) review and consideration of all bids by private  
18          contractors to perform the services shall take place in  
19          open session of a meeting announced and scheduled in  
20          accordance with the guidelines normally followed for  
21          meetings covered by the Open Meetings Act;

22          (6) a minimum of 2 public hearings to discuss the State  
23          agency's proposal to contract with a private contractor to  
24          perform services must be held before the State agency may  
25          enter into a third-party contract; the State agency must  
26          provide notice to the public of the date, time, and

1 location of the first public hearing on or before the  
2 initial date that bids to provide the services are  
3 solicited or a minimum of 30 days prior to entering into a  
4 third-party contract, whichever provides a greater period  
5 of notice;

6 (7) a third-party contract shall contain provisions  
7 requiring the private contractor to offer available  
8 employee positions pursuant to the third-party contract to  
9 qualified public employees who are laid off because of the  
10 third-party contract; and

11 (8) a third-party contract shall contain provisions  
12 requiring the private contractor to comply with a policy of  
13 nondiscrimination and equal employment opportunity for all  
14 persons and to take affirmative steps to provide equal  
15 opportunity for all persons.

16 (b) Notwithstanding subsection (a) of this Section, the  
17 State agency may enter into a third-party contract, of no  
18 longer than 3 months in duration, with a private contractor for  
19 services currently performed by a public employee or employees  
20 for the purpose of augmenting the current workforce in an  
21 emergency situation that threatens the safety or health of the  
22 public employees or the direct recipients of services, provided  
23 that the State agency meets all of its obligations under the  
24 Illinois Public Labor Relations Act.

25 (c) For purposes of this Section, "third-party contract"  
26 does not include an agreement with the Department of Human

1 Services to provide services under a rate structure that  
2 defines wage rates. For purposes of this Section, "third-party  
3 contract" does not include an agreement between a State agency  
4 and a private contractor (i) in effect on the effective date of  
5 this Act; (ii) for services substantially similar to services  
6 provided, in whole or in part, by a private contractor to the  
7 State agency on or before the effective date of this Act; or  
8 (iii) for professional services, such as audit, accounting,  
9 legal, architectural, or engineering services."